

UNITED STATES DISTRICT COURT

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

for the
District of New Mexico

JUL 19 2016 Jv

MATTHEW J. DYKMAN
CLERK

Case No.

16mr-524

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Letitia Toya
SS# XXX-XX-0940
YOB 1978 or 1979

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person known as Letitia Toya with SSN XXX-XX-0940 and year of birth 1978 or 1979

located in the _____ District of _____, there is now concealed (identify the person or describe the property to be seized):

Any and all body standards, bodily fluids, and/or blood draws from Letitia Toya, and any and all documentation related to the testing of these body standards and bodily fluids

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

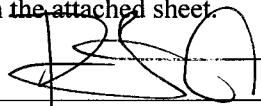
- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 USC 111	Assault on a Federal Officer

The application is based on these facts:

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

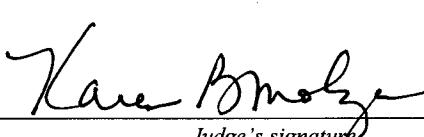
Perla J. Carrillo

Printed name and title

Sworn to before me and signed in my presence.

Date: July 19, 2016

City and state: Albuquerque, NM



Judge's signature

Karen B. Molzen, Chief U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF APPLICATION

I Perla J. Carrillo, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since October of 2010. As a Special Agent for the Bureau of ATF, I have completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia and Special Agent Basic Training for the ATF. Additionally, I have a Bachelor's Degree in Criminal Justice Administration.
2. As a result of my training and experience as an ATF Agent, I am familiar with federal firearm and ammunition laws. During my tenure with the ATF, I have participated in numerous investigations that involve possession of firearms and ammunition by prohibited persons, investigations involving interstate firearms and ammunition trafficking, and participated in numerous undercover operations. Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal firearms laws.
3. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18 and 26, United States Code.
4. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

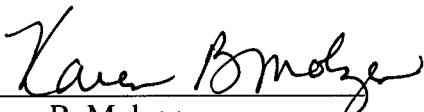
5. On July 6, 2016, federal agents were executing a federal arrest warrant for Letitia Toya. Ms. Toya became extremely combative upon being arrested. Ms. Toya kicked an agent and spit in the agent's face.
6. Ms. Toya stated that she is HIV positive and also has Hepatitis. She also stated, "Die, cops! Die, cops!"
7. Given the possibility that the agent was exposed to HIV and Hepatitis, the United States sought and obtained a federal search warrant on July 6, 2016 to obtain any and all body standards, bodily fluids, and/or blood draws from Ms. Toya in order to verify whether or not Ms. Toya has contagious diseases.
8. The warrant was executed the same day and, several days later, a grand jury subpoena was issued in order to obtain the actual test results.
9. On July 15, 2016, the United States Attorney's Office conferred with an ATF agent who advised that, according to the laboratory, full testing could not be completed on the sample of Ms. Toya's blood because an insufficient sample was initially taken. The laboratory requested that a larger amount of blood be drawn.
10. Consequently, your Affiant seeks a second warrant for any and all body standards, bodily fluids, and/or blood draws from Ms. Toya in order to verify whether or not Ms. Toya has contagious diseases.
11. Your affiant additionally seeks this evidence because Ms. Toya's conduct constitutes a violation of 18 U.S.C. § 111, Assault on a Federal Officer, and a federal grand jury returned a true bill on such a charge on July 12, 2016.

12. Wherefore, your Affiant respectfully requests that a search warrant be issued authorizing the search for any and all body standards, bodily fluids, and/or blood draws from Ms. Toya. Your affiant further requests that all documents related to testing of the blood be released to your Affiant.



Perla J. Carrillo, Special Agent
ATF

Sworn to before me, and subscribed in my presence,
July 19, 2016, at Albuquerque, New Mexico



Karen B. Molzen
Chief United States Magistrate Judge